

AMENDED IN ASSEMBLY APRIL 21, 2003

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 974**

**Introduced by Assembly Member Nation**

February 20, 2003

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An act to repeal and add Section 30244 of the Public Resources Code, relating to the coastal zone.

### LEGISLATIVE COUNSEL'S DIGEST

AB 974, as amended, Nation. Coastal zone: archaeological or paleontological resources.

The California Coastal Act provides for the planning and regulation of development within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act. Existing law requires that mitigation measures be taken where development would adversely impact archaeological or paleontological resources, as identified by the State Historic Preservation Officer.

This bill would repeal that provision and instead require that ~~areas containing significant archaeological, paleontological, or cultural resources or sacred sites be protected against substantial~~ *where development would adversely impact an archaeological or paleontological resource, identified in consultation with the State Historic Preservation Officer or the Native American Heritage Commission, all feasible measures be taken to avoid that impact. The bill would require an impact that cannot feasibly be avoided to be*

*minimized and reasonably mitigated. The bill would require an area containing a sacred site or significant Native American cultural resource, identified in consultation with the Native American Heritage Commission, to be protected against significant disruption. The bill would require that a proposed local coastal plan to the California Coastal Commission, or an amendment to a local coastal plan that is not a minor amendment, contain policies and ordinances to implement the above ~~requirement~~ requirements.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 30244 of the Public Resources Code is  
2 repealed.

3 SEC. 2. Section 30244 is added to the Public Resources Code,  
4 to read:

5 ~~30244. (a) Areas containing significant archaeological,~~  
6 ~~paleontological, or cultural resources or sacred sites shall be~~  
7 ~~protected against substantial disruption.~~

8 30244. (a) *Where development would adversely impact an*  
9 *archaeological or paleontological resource, identified in*  
10 *consultation with the State Historic Preservation Officer or the*  
11 *Native American Heritage Commission, all feasible measures*  
12 *shall be taken to avoid that impact. An impact that cannot feasibly*  
13 *be avoided shall be minimized and reasonable mitigation shall be*  
14 *provided for the impact.*

15 (b) *An area containing a sacred site or a significant Native*  
16 *American cultural resource, identified in consultation with the*  
17 *Native American Heritage Commission, shall be protected against*  
18 *significant disruption.*

19 ~~(b)~~

20 (c) *When a local jurisdiction submits a proposed local coastal*  
21 *plan to the commission, or an amendment to a local coastal plan*  
22 *that is not a minor amendment, the proposed plan or amendment*  
23 *shall contain policies and ordinances to implement subdivision*  
24 *subdivisions (a) and (b).*

